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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,700	03/15/2002	David W. Cunningham	4000-007	6945

24112 7590 06/14/2006

COATS & BENNETT, PLLC
P O BOX 5
RALEIGH, NC 27602

EXAMINER

GLASS, RUSSELL S

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, 25-31, drawn to a method for delivering goods and services through an activated variable-value medium, classified in class 705, subclass 17.
- II. Claims 15-19, 54, 55, drawn to a method for promoting goods and services by varying the value of an activated medium, classified in class 705, subclass 14.
- III. Claims 20-24, 32-47, drawn to a method for delivering goods and services via a non-variable value medium, classified in class 705, subclass 16.
- IV. Claims 48, 49, drawn to a method for providing goods and services through a non-variable value redeemable medium, classified in class 705, subclass 16.
- V. Claims 50-53, drawn to a method for promoting goods and services by distributing a non-variable, redeemable medium, classified in class 705, subclass 14.
- VI. Claims 54-63, drawn to dispensing and tracking pharmaceutical products, classified in class 705, subclass 3.

2. Inventions I-VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope

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and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as providing an interface for reading a credit card or variable-value ticket, or other customer-associated, payment-effecting, data-bearing instrument. Subcombination II has separate utility such as promoting goods or services by distributing or redeeming a variable-value incentive or promotional coupon. Subcombination III has separate utility such as delivering goods or services by effecting a transaction or determining the amount of a sale using a debit account or prepaid card. Subcombination IV has separate utility such as providing goods or services by effecting a transaction or determining the amount of a sale using a debit account or prepaid card.

Subcombination V has separate utility such as promoting goods or services by distributing or redeeming an incentive or promotional coupon. Subcombination VI has separate utility such as a processing the records of diagnosis and treatment by dispensing and tracking prescription pharmaceutical products.

3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Larry Coats on 5/30/2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

6. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

7. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RSG
6/5/2006

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JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER